

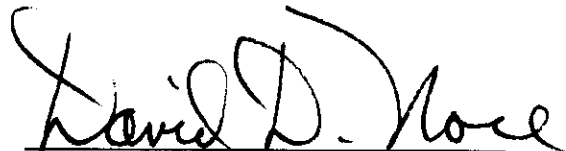
(b) Count II (Method II Antibiotics), Count IV (Spit Vial Dosing), Count V (EPO Overfill), Count VI (EPO Rebates), Count VII (Vitamin D Selection), Count VIII (Iron Selection), Count XI (Jackson Memorial Hospital), and Count XII (GNS) of the Second Amended Complaint in this action are dismissed without prejudice.

4. Each Party will bear its own costs and attorneys' fees except as provided for in the Settlement Agreement, Terms and Conditions, paragraph 1c .

5. The seal shall be lifted only as to the following documents: the Second Amended Complaint; the United States' Notice of Partial Intervention, Request to Partially Lift Seal, and Joint Stipulation of Dismissal; and this Order. As to the United States only, the seal shall be lifted as to the complete docket sheet from the date of the initial filing of this matter. All other pleadings, including, but not limited to, all requests for extensions, partial lifting of the seal, and any memoranda and declarations in support thereof, shall remain under seal except insofar as the seal may have been previously lifted.

6. The Court shall retain jurisdiction solely for the purpose of enforcing the settlement agreement between the Parties and for any proceeding relating to payment of an award to the Relator as provided for by 31 U.S.C. § 3730(d)(1).

SO ORDERED:


DAVID D. NOCE
UNITED STATES MAGISTRATE JUDGE

Dated: December 2, 2004